



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,643	10/04/2006	Markus Gimbel	21334-1616 (41267US)	2122
29450	7590	05/30/2008	EXAMINER	
BARLEY SNYDER, LLC			VU, HIEN D	
1000 WESTLAKES DRIVE, SUITE 275				
BERWYN, PA 19312			ART UNIT	PAPER NUMBER
			2833	
			NOTIFICATION DATE	DELIVERY MODE
			05/30/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

berwynipdocket@barley.com
hsalamone@barley.com
sanastasi@barley.com

Office Action Summary	Application No. 10/599,643	Applicant(s) GIMBEL ET AL.	
	Examiner Hien D. Vu	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-51 is/are pending in the application.
- 4a) Of the above claim(s) 35-38, 43, 44 and 47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34, 39-42, 45, 46 and 48 is/are rejected.
- 7) ☒ Claim(s) 49-51 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/4/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's election of species 2, Figs. 7-16, claims 34, 39-42, 45-46 and 48-51 in the reply filed on 1/30/08 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. The drawings Figs. 7-16 are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features of claim 42 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. Claims 34, 39-42, 45-46 and 48-51 are objected to because in claim 34, line 6, the recited feature "a clamping member" is unclear since such feature is not shown or disclosed in the specification which applicant elected of species 2, Figs. 7-16; line 8, the features "a connection region" and "a sealing member" are unclear as to what they are referring to, also it is unclear how "the connection region could provide with a sealing member to seal the connection region between the clamping device and the second plug"; claim 40, line 2-3, it is unclear how "an outer periphery of the opening being provided with the sealing member"; claim 42 features are unclear since they are not shown in Figs. 7-16; claims 48-49 are unclear since it is unclear which opening is referring to.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

5. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 34, 39-42, 45 and 48 are rejected under 35 U.S.C. 102(b) as being anticipated by Okura et al (6183275).

Insofar as the claims can be understood, as to claim 34, Okura, Figs. 1-5 show a plug connection, comprising: a first plug 20 having a seal 27; a second plug 10 configured for fitting in an opening H in a partition wall P, the second plug being

mateable with the first plug such that the seal substantially surrounds the opening in the partition wall when the first and second plugs are mated; and a clamping device 24, 23, 31 provided on the first plug that is configured for drawing the first plug into engagement with the second plug, the clamping device engaging with the second plug at a connection region where the cover 23, 24 engaged with the hood member 13, the connection region being provided with a sealing member 16 configured to seal the connection region between the clamping device and the second plug.

As to claim 39, Okura shows the clamping device is a sliding device including at least one guide rail 33 that engages with a projection 19 formed on the second plug.

As to claim 40, Okura shows the projection extends through an opening 33A in the sliding device into engagement with the guide rail, an outer periphery of the opening being provided with the sealing member 16.

As to claim 41, Okura shows the clamping device is slideable in a direction substantially transverse to a direction of engagement of the first and second plugs when the arm 31 rotates.

As to claim 42, Okura shows the second plug is provided with a sealing projection 14 configured for engagement with the sealing member 16.

As to claim 45, Okura shows the sealing member 16 is an O-ring.

As to claim 48, Okura shows the second plug includes a resilient catch arm 18 configured for engagement with the opening.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2833

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okura et al (6183275).

To form the sealing member to be a spray-on seal would have been obvious to one with skill in the art since such change is old and well known in the art to achieve the predictable results.

9. Claims 49-51 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Any inquiry concerning this communication should be directed to Hien D. Vu at telephone number 571-272-2016.

/Hien D. Vu/

Primary Examiner, Art Unit 2833